

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERBERT JEROME TOWNSEND,

Defendant.

CAUSE NO. 3:12-CR-118-CWR-ASH-1

ORDER

Herbert Jerome Townsend has moved for a reduction in sentence. Docket No. 499. He says that: (1) changes in this Court's sentencing practices in meth cases, *see United States v. Robinson*, No. 3:21-CR-14-CWR-FKB-2, 2022 WL 17904534 (S.D. Miss. Dec. 23, 2022), result in a disparity between his sentence and the one he would have received if sentenced today; and (2) "harsh prison conditions . . . during the pandemic" warrant a sentence reduction.

On review, the Court is not able to conclude that a judge's finding that meth purity is no longer probative of culpability constitutes an "extraordinary and compelling reason[]" warranting a reduction in sentence. 18 U.S.C. § 3582(c)(1)(A)(i). Unless the U.S. Sentencing Commission changes its meth purity Guidelines and makes such changes retroactive, previously-sentenced persons are not eligible for a reduction in sentence on this basis alone. In addition, confinement in prison during a pandemic is not in and of itself an extraordinary and compelling reason for a sentence reduction. The motion is therefore denied.

SO ORDERED, this the 13th day of June, 2024.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE